

Exhibit 3



**METROPOLITAN TRANSPORTATION AUTHORITY
POLICE DEPARTMENT**

INTERIM ORDER # 99-06			
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TO: ALL MEMBERS OF THE DEPARTMENT

SUBJECT: ABSENCES/SICK LEAVE

1. REPORTING SICK

- a. A member of the Department shall report sick only when suffering from an illness or injury, which would prevent the proper performance of duty. Member shall not feign sickness or disability, nor deceive or attempt to deceive a department physician; MTA approved Medical Department, or a supervisor of the Department concerning his/her physical or medical condition.
- b. No sick leave will be granted for illness due to indulgence in alcoholic beverages or narcotics, or an illness or injury sustained in employment other than with the Metropolitan Transportation Authority Police Department.

2. REPORTING SICK WHILE OFF-DUTY

When it is necessary for a member of the Department to report sick while off duty, the member shall:

- a. Telephone the Communications Desk Supervisor at least one (1) hour before the start of his/her scheduled tour, unless disability occurs during this period. If member reports sick at his/her command, before the start of a tour of duty, the member shall be placed on the sick leave list as "sick off duty". In extreme emergencies, member may have a responsible person report him/her sick or send a telegram to the MTA Police Department, Operations Support, at 347 Madison Avenue, New York, New York 10017.
- b. Remain at reported sick location, except in extreme medical emergency, or when permission to leave has been granted by competent authority.



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c. Provide Desk supervisor with the following information:

1. Rank, name, Shield, ID number, nature of illness or injury, scheduled tour of duty and date (RDO, Vacation, etc.), District/Unit, assignment, any scheduled court appearance, department hearing, overtime, and any other information requested.
2. If sick report is related to a new or old line of duty injury, give the original date of incident.
3. Present sick location, house number, cross street, town, county, telephone number, apartment number or location if applicable, and local police jurisdiction (In all cases, a telephone number must be given where the member can be reached while on sick leave). If other than his/her residence, member will supply the identity of the person/part he or she will be staying with.

3. REPORTING SICK DUE TO ILLNESS WHILE ON DUTY

- a. When a member of the Department becomes sick while on duty, he/she shall immediately notify supervisor and be guided by his/her instructions. Should sick leave result from such report, member will be guided by Paragraph 2, "Reporting Sick While Off Duty" Sub. C.
- b. A member reporting sick while on duty shall not be granted overtime for time spent in excess of a scheduled tour unless ordered to do so by the immediate supervisor for investigation purposes.
- c. When a member of the Department becomes injured on duty or while taking police action, he/she shall:
 1. Immediately report injury to his/her supervisor and be guided by instructions.
 2. Not judge the seriousness of the injury, however slight.
 3. Obtain the names and addresses of any witnesses.
 4. Request the witness to await the arrival of a supervisor.



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- d. Remain at the scene, unless:
 - 1. Immediate hospitalization or medical treatment is required.
 - 2. Further police action is necessary
 - 3. Directed otherwise by competent authority.
- e. Should sick leave result from injury report, member will be guided by paragraph 2, "Reporting Sick While Off Duty," Sub. C
- f. Not remove him/herself from the sick list prior to examination at MTA Medical Department, unless authorized by competent authority. Medical appointment to be arranged through the Commanding Officer - Operations Support.
- g. If a member is ordered to a hospital or MTA Medical Department and tour of duty expires, overtime will be granted only to the time of diagnosis.
- h. Overtime will not be granted to a member who feigns illness or injury or attempts to deceive the department.

4. REPORTING PREGNANCY

- a. When a physician informs a member of the Department that she is pregnant, she shall immediately notify the Department via written report. She shall attach a letter from her physician verifying her condition and indicating the last date she can perform full duty. The member's District/Unit Commander shall direct the member to report to the MTA Medical Department on the next business day. Based on information supplied by member's physician, member will be placed on restricted duty. Member shall arrange to have her equipment turned in to the Operations Support Section. Maternity leave will be handled in accordance with the Family and Medical Leave Act (FMLA).



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5. LEAVING SICK LOCATION – SICK INVESTIGATION

- a. A member of the Department on the Department sick list, shall be available for sick investigation between the hours of 9:00AM and 8:00 PM to a Department supervisor, a Department physician, the MTA Medical Department, in person, or via phone at his/her reported location, unless otherwise directed.
- b. In cases of emergency medical treatment, notification shall be made to the Communications Desk Supervisor as soon as possible. Members are responsible for their actions and/or for devices (answering machines) used in compliance with this paragraph.
- c. Permission to temporarily leave his/her sick location for **non-emergency** medical attention or other necessities must be obtained in advance from the Communications Desk Supervisor prior to such departure. The member will state the reason for leaving, name of destination, the address, telephone number, and how long he/she will be out.
- d. If a member is out of his/her sick location for more than three (3) hours, member will again call the Communications Desk Supervisor and make notification as to his/her present location and how much longer he/she will be out. In all instances when a member changes location he/she reported going to, immediate notifications shall be made to the Desk supervisor.
- e. Upon returning to sick location, member will notify the Communications Desk supervisor. A member of the Department shall request permission from the Communications Desk Supervisor prior to changing his/her sick location.
- f. A member of the Department on the Department sick list shall notify the Desk Supervisor prior to being admitted to a hospital in all non-emergency cases and as soon thereafter in emergency cases as is possible. Prompt notification shall be made to the Communications Desk Supervisor upon discharge from a hospital in all cases.



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- g. A member appearing at the MTA Medical Department for an examination in connection with a heart condition, broken limb, post surgical convalescence or similar prolonged illness **and** is placed on "No Work" status, shall not be the subject of telephone calls or investigation by the department, for the period of convalescence determined by the MTA Medical Department

Permission to be placed on "No Work" status will be granted by the Chief of Police or his designee and will be decided upon on a case by case basis.

- h. Such member shall not leave the confines of his/her resident county without prior approval by the Communications Desk Supervisor, nor engage in outside employment while on sick leave. This procedure shall not apply to member who is on sick leave for other than the above designated chronic sick. Regardless of the illness or injury, engage in activity, which would tend to prolong or aggravate the disability, fails to cooperate with MTA Medical Department, fails to comply with orders or directives, or violates MTA Police Department regulations.
- i. A member of the Department on the Department sick list shall submit to any examination or reasonable medical tests deemed necessary by the MTA Medical Department.

6. SICK LEAVE PAY

- a. Each member of the Department shall be entitled to sick leave with pay for the full period of any capacity due to illness, injury mental or physical defect, whether or not service connected.
- b. A member of the Department, not complying with these Rules and Regulations concerning "sick leave" may be denied sick leave pay and / or may be subject to appropriate disciplinary action.



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7. SICK WHILE ON VACATION

- a. In the event a member of the Department on scheduled vacation becomes sick or disabled and elects to receive sick leave benefits, he/she shall forthwith notify the Communications Desk Supervisor by phone, messenger, or otherwise.
- b. Member shall, while on sick leave, comply with the provisions of the Rules and Regulations pertaining to Sick Leave, and must provide doctor's certification regardless of duration.
- c. If a member concerned recovers prior to the termination of his/her scheduled vacation member shall, upon recovery, notify the Communications Desk Supervisor. In such cases the vacation period of the member concerned shall terminate as previously scheduled, and he/she shall report for duty in accordance with his/her regular duty chart.
- d. Upon return to duty the member of the Department concerned shall, forthwith, make application for vacation allowances due him/her. Such vacation allowance shall be granted prior to the end of the vacation year at a time consistent with the needs of the service. If the member concerned does not recover until after the termination of his/her scheduled vacation, member shall upon recovery, notify the Communications Desk Supervisor. The member shall then report for duty in accordance his/her regular duty. In such case, the member of the department concerned shall make immediate application for vacation allowance due him/her. Such vacation allowance will be granted prior to the end of the vacation year at a time consistent with the needs of the service.

8. EXTENDED SICK LEAVE

A member of the Department on extended sick leave (5 or more calendar days) shall prepare and forward "Application for Leave of Absence Due to Illness", with doctor's certification portion completed, in duplicate on the fifth (5th) day of his/her sick leave. Member shall further prepare and forward such application, with doctor's certification portion completed in duplicate every additional thirty (30) days thereafter or portion thereof, for the duration of his/her absence to the Operations Support Section.



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9. RETURN TO DUTY

A member of the Department who is on sick leave shall notify the Communications Desk Supervisor at least one (1) hour prior to his/her next scheduled tour of duty:

- a. When a member of the Department is absent from duty for more than twenty-one (21) calendar days due to illness, he/she shall report to the MTA Medical Department for certification that he/she is fit for duty, prior to reporting for duty.
- b. A member of the Department shall, within three (3) days after reporting off sick leave, submit "Application for Leave of Absence Due to Illness", in duplicate to a supervisor in the command to which he/she is assigned.
- c. A member of the Department who has been on extended sick leave due to pregnancy shall eight (8) weeks after the delivery or termination date of pregnancy, report to the MTA Medical Department for examination and shall comply with instructions.
- d. Upon receipt of completed sick forms, the Operation Support Office personnel shall:
 1. Date Stamp forms when received.
 2. Verify entries and sign his/her name in the space provided.
 3. Forward original copy to Operations Support Administrative Sergeant for processing.
 4. File one copy in the member's sick leave folder.



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10. SCHEDULED VACATIONS DURING SICK LEAVE

- a. A member of the Department who is scheduled to commence or continue vacation or other extended leave of absence after reporting off sick leave and is unable to comply with the provisions of paragraph 11.b, shall, within three (3) days after reporting off sick leave, complete "Application for Leave of Absence Due to Illness" in duplicate, and forward it via Registered United States Mail to the Operations Support Office, MTA Police Department, 347 Madison Ave., New Your, New York, 10017.
- b. A member of the Department who is absent on sick leave for more than two (2) days, shall upon return to duty furnish satisfactory medical proof of illness or disability by having the attending physician complete the doctor's statement portion on the sick leave form, prior to forwarding to the Operations Support Office. Members shall maintain a sufficient supply of such forms in a convenient location for use when necessary.
- c. The Department may require "Doctor's Certification" for all illnesses, regardless of the duration, whenever it is deemed necessary and the member is notified in advance.
- d. A member may be required to report for a department medical examination to verify an illness or injury.

11. EXTENDED LEAVE

- a. A supervisor may, subject to the limitations set forth by the District/Unit Commanding Officer, grant a leave of absence for one (1) day to a member of the department in the case of serious illness in his/her immediate family, other extraordinary emergency or urgent personal business, when normal applications cannot be made in time. Such leave shall be charged to vacation or other accrued time or leaves without pay, as the case may be. Documentation of such conditions may be required.



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- b. A member of the Department shall be excused for four (4) consecutive tours of duty with full pay in case of death in the immediate family. Immediate family shall be defined for this purpose as; spouse, natural foster or step-parent, child (including stillborn), brother or sister, father-in-law or mother-in-law, irrespective of the location of the deceased, or any relative permanently residing in the household.
- c. A member of the Department who suffers a death in the immediate family and requests bereavement shall notify the Communications Desk Supervisor. It shall be the responsibility of the Communications Unit to make proper notification when requested, (i.e., Line & Fraternal Organizations, clergy).
- d. Upon return to duty, the member of the Department shall forward to Operations Support a copy of the Death Certificate verifying the death and member's relationship to the deceased.
- e. If documented proof is not produced, the time will be deducted from the member's accumulated time and the member may be subject to appropriate disciplinary action.

Attachments: (2)

Authority:

A handwritten signature in cursive script, appearing to read "James D. O'Donnell".

James D. O'Donnell
Chief of Police

JDO/tcn
10/21/99